

105TH CONGRESS
1ST SESSION

S. 469

To designate a portion of the Sudbury, Assabet, and Concord Rivers as
a component of the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1997

Mr. KERRY (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To designate a portion of the Sudbury, Assabet, and Concord
Rivers as a component of the National Wild and Scenic
Rivers System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sudbury, Assabet, and
5 Concord Wild and Scenic Rivers Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Title VII of Public Law 101–628—

1 (A) designated segments of the Sudbury,
2 Assabet, and Concord Rivers in the Common-
3 wealth of Massachusetts, totaling 29 river
4 miles, for study and potential addition to the
5 National Wild and Scenic Rivers System; and

6 (B) directed the Secretary of the Interior
7 to establish the Sudbury, Assabet, and Concord
8 River Study Committee to advise the Secretary
9 of the Interior in conducting the study and the
10 consideration of management alternatives
11 should the river be included in the National
12 Wild and Scenic Rivers System.

13 (2) The study determined the following river
14 segments are eligible for inclusion in the National
15 Wild and Scenic Rivers System based on their free-
16 flowing condition and outstanding scenic, recreation,
17 wildlife, cultural, and historic values:

18 (A) The 16.6-mile segment of the Sudbury
19 River beginning at the Danforth Street Bridge
20 in the town of Framingham, to its confluence
21 with the Assabet River.

22 (B) The 4.4-mile segment of the Assabet
23 River from 1,000 feet downstream from the
24 Damon Mill Dam in the town of Concord to the

1 confluence with the Sudbury River at Egg Rock
2 in Concord.

3 (C) The 8-mile segment of the Concord
4 River from Egg Rock at the confluence of the
5 Sudbury and Assabet Rivers to the Route 3
6 bridge in the town of Billerica.

7 (3) The towns that directly abut the segments,
8 including Framingham, Sudbury, Wayland, Lincoln,
9 Concord, Bedford, Carlisle, and Billerica, Massachu-
10 setts, have each demonstrated their desire for Na-
11 tional Wild and Scenic River Designation through
12 town meeting votes endorsing designation.

13 (4) During the study, the Study Committee and
14 the National Park Service prepared a comprehensive
15 management plan for the segment, entitled "Sud-
16 bury, Assabet and Concord Wild and Scenic River
17 Study, River Conservation Plan", dated March 16,
18 1995, which establishes objectives, standards, and
19 action programs that will ensure long-term protec-
20 tion of the rivers' outstanding values and compatible
21 management of their land and water resources.

22 (5) The Study Committee voted unanimously on
23 February 23, 1995, to recommend that the Congress
24 include these segments in the National Wild and

1 Scenic Rivers System for management in accordance
2 with the River Conservation Plan.

3 **SEC. 3. DESIGNATION.**

4 Section 3(a) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1274(a)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “() SUDBURY, ASSABET, AND CONCORD RIV-
8 ERS, MASSACHUSETTS.—The 29 miles of river seg-
9 ments in Massachusetts consisting of the Sudbury
10 River from the Danforth Street Bridge in Fra-
11 mingham downstream to its confluence with the
12 Assabet River at Egg Rock; the Assabet River from
13 a point 1,000 feet downstream of the Damondale
14 Dam in Concord to its confluence with the Sudbury
15 River at Egg Rock; and the Concord River from its
16 origin at Egg Rock in Concord downstream to the
17 Route 3 bridge in Billerica (in this paragraph re-
18 ferred to as the ‘segments’), as scenic and rec-
19 reational river segments. The segments shall be ad-
20 ministered by the Secretary of the Interior in co-
21 operation with the SUASCO River Stewardship
22 Council provided for in the plan through cooperative
23 agreements under section 10(e) between the Sec-
24 retary and the Commonwealth of Massachusetts and
25 its relevant political subdivisions (including the

1 towns of Framingham, Wayland, Sudbury, Lincoln,
 2 Concord, Carlisle, Bedford, and Billerica). The seg-
 3 ments shall be managed in accordance with the plan
 4 entitled ‘Sudbury, Assabet and Concord Wild and
 5 Scenic River Study, River Conservation Plan’ dated
 6 March 16, 1995. The plan is deemed to satisfy the
 7 requirement for a comprehensive management plan
 8 under section 3(d).”.

9 **SEC. 4. MANAGEMENT.**

10 (a) FEDERAL ROLE.—(1) The Director of the Na-
 11 tional Park Service or his or her designee shall represent
 12 the Secretary in the implementation of the Plan and the
 13 provisions of this Act and the Wild and Scenic Rivers Act
 14 with respect to each of the segments designated by section
 15 3, including the review of proposed federally assisted water
 16 resources projects that could have a direct and adverse
 17 effect on the values for which the segment is established,
 18 as authorized under section 7(a) of the Wild and Scenic
 19 Rivers Act (16 U.S.C. 1278(a)).

20 (2) Pursuant to sections 10(e) and section 11(b)(1)
 21 of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e),
 22 1282(b)(1)), the Director shall offer to enter into coopera-
 23 tive agreements with the Commonwealth of Massachu-
 24 setts, its relevant political subdivisions, the Sudbury Val-
 25 ley Trustees, and the Organization for the Assabet River.

1 Such cooperative agreements shall be consistent with the
 2 Plan and may include provisions for financial or other as-
 3 sistance from the United States to facilitate the long-term
 4 protection, conservation, and enhancement of each of the
 5 segments designated by section 3 of this Act.

6 (3) The Director may provide technical assistance,
 7 staff support, and funding to assist in the implementation
 8 of the Plan, except that the total cost to the Federal Gov-
 9 ernment of activities to implement the Plan may not ex-
 10 ceed \$100,000 each fiscal year.

11 (4) Notwithstanding section 10(c) of the Wild and
 12 Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a
 13 segment not already within the National Park System
 14 shall not under this Act—

15 (A) become a part of the National Park Sys-
 16 tem;

17 (B) be managed by the National Park Service;
 18 or

19 (C) be subject to regulations which govern the
 20 National Park System.

21 (b) WATER RESOURCES PROJECTS.—(1) In deter-
 22 mining whether a proposed water resources project would
 23 have a direct and adverse effect on the values for which
 24 the segments designated under section 3 were included in
 25 the National Wild and Scenic Rivers System, the Sec-

1 retary shall specifically consider the extent to which the
2 project is consistent with the Plan.

3 (2) The Plan, including the detailed Water Resources
4 Study incorporated by reference therein and such addi-
5 tional analysis as may be incorporated in the future, shall
6 serve as the primary source of information regarding the
7 flows needed to maintain instream resources and potential
8 compatibility between resource protection and possible ad-
9 ditional water withdrawals.

10 (c) LAND MANAGEMENT.—(1) The zoning bylaws of
11 the towns in Framingham, Sudbury, Wayland, Lincoln,
12 Concord, Carlisle, Bedford, and Billerica, Massachusetts,
13 as in effect on the date of enactment of this Act, are
14 deemed to satisfy the standards and requirements under
15 section 6(c) of the Wild and Scenic rivers Act (16 U.S.C.
16 1277(c)). For the purpose of that section, the towns are
17 deemed to be “villages” and the provisions of that section
18 which prohibit Federal acquisition of lands through con-
19 demnation shall apply.

20 (2) The United States Government shall not acquire
21 by any means title to land, easements, or other interests
22 in land along the segments designated under section 3 or
23 their tributaries for the purposes of designation of the seg-
24 ments under section 3. Nothing in this Act shall prohibit

1 Federal acquisition of interests in land along those seg-
2 ments or tributaries under other laws for other purposes.

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

5 (1) DIRECTOR.—The term “Director” means
6 the Director of the National Park Service.

7 (2) PLAN.—The term “Plan” means the plan
8 prepared by the Study Committee and the National
9 Park Service entitled “Sudbury, Assabet and Con-
10 cord Wild and Scenic River Study, River Conserva-
11 tion Plan” and dated March 16, 1995.

12 (3) STUDY COMMITTEE.—The term “Study
13 Committee” means the Sudbury, Assabet, and Con-
14 cord River Study Committee established by the Sec-
15 retary of the Interior under title VII of Public Law
16 101–628.

17 **SEC. 6 AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Sec-
19 retary of the Interior to carry out this Act not to exceed
20 \$100,000 for each fiscal year.

